IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

UNITED STATES OF AMERICA, *Plaintiff*,

v.

888

NO. 6:18-CR-00330-ADA

ANTONIO MAURICE GARDNER Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 99. The Report recommends that Defendant's Motion to Withdraw Guilty Plea be granted. *Id.* at 1. The Report was filed on June 23, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b). When no objections are filed, a district court reviews the magistrate judge's report and recommendation for clear error. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985); *see also Douglass v. United Servs*. *Auto. Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996). Here, no objections were filed. Accordingly, the Court has reviewed the Report and Recommendation and finds no clear error.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Manske (ECF No. 99) is ACCEPTED AND ADOPTED. Defendant's Motion to Withdraw Guilty Plea (ECF No. 51) is GRANTED. Defendant's guilty plea as to one count of Possession with the Intent to Distribute a Schedule II Controlled Substance in violation of Title 21 U.S.C. § 841(a) and § 841(b)(1)(C) (ECF Nos. 21, 22) is hereby withdrawn.

SIGNED this 11th day of July, 2023.

LAN D ALBRIGHT

UNITED STATES DISTRICT JUDGE